UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/669,847	09/27/2000	Yoichi Okano	FQ5-488	6526

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MCGINN & GIBB, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER
JAMAL, ALEXANDER

ART UNIT	PAPER NUMBER
2643	

DATE MAILED: 07/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _21 April 2005_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,4-11 and 13-30_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1,4-11 and 13-30_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☒ All   b)☐ Some * c)☐ None of:

   1.☒ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)   4)☐ Interview Summary (PTO-413)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   Paper No(s)/Mail Date. _____ .
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)   5)☐ Notice of Informal Patent Application (PTO-152)
   Paper No(s)/Mail Date _____ .   6)☐ Other: _____ .

DETAILED ACTION

Response to Amendment

1.   Based upon the submitted amendment (4-21-2005), examiner notes that claims

1,7,8,11,13-21,23,25-27 have been amended and claims 28-30 have been added.

2.   Examiner withdraws the 112 second paragraph rejection to claims **1,8,11,18-21,23,25-27**

(and all depending claims).

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   **Claims 1,4-7,15,18,21,22,25** rejected under 35 U.S.C. 102(b) as being anticipated by

Nazanin et al. (5625683).

As per **claim 1,** Nazanin discloses a mobile telephone (ABSTRACT) with an alert

function. The telephone allows the user to set a predetermined time duration relative to

the end of a call (last-communication time) (Col 3 lines 18-35, 60-67). The 'current

time-of-day' referred to by Nazanin will be the last communication time of day (ie. when

the call is terminated) when the user is to be reminded that a period of time has passed

(Col 3 lines 63-66). The device reads the current time (Col 2 lines 12-25). The system

may use a predetermined period of time (relative to the last communication) to set a

time/date to call the person (Col 3 lines 63-67). The use of the previously set time/date in

relation to the current time/date is the mechanism by which the phone calculates an

amount of time that has elapsed since the last communication time. Once the current

time/date reaches the previously set time/date, the phone determines that the time

duration has elapsed from the last communication time. Examiner reads the 'current time

of day' used to calculate the 'time to call' when the default value is entered as a period of

time (Col 3 lines 50-67) as the 'last communication time' since the option to set the time

is given to the user immediately after any communication with the person. The unit

comprises memory 207 (Fig. 2) that stores the various times/time durations (col 2 lines

20-30). Once the time interval has elapsed, the user is alerted (Col 2 lines 44-52).

As per **claim 18,** Nazanin discloses a device having an alert function that

performs the functions described in the rejection of claim 1.

As per **claims 21,22,** claims rejected for same reasons as rejection of claim 1.

As per **claims 25,** claims rejected for same reasons as rejection of claim 18.

As per **claim 4,** when a person is initially called, the last communication time

(time-to-call) is initially set to a time at the same time data relating to the person is

registered into the phonebook database (Col 2 lines 20-30). The data related to a person

may also be read as the time duration entered by the user after terminating a call with the

person (Col 3 lines 15-27).

As per **claim 5,** every time communication with a person is terminated, the last

communication time is set to the current time value in order to allow the device to

determine when a reminder to call a person back should be sent to the user (Col 3 lines

63-67).

As per **claim 6,** the time interval is predetermined by the user (Col 3 lines 45-50).

As per **claim 7,** the alerting is done by a speaker vibrator or display (Col 3 lines

50-58).

As per **claim 15,** the device stores an alert list (Col 2 lines 15-30), and displays

the alert list in the form of a menu on a display so that the user may select to make a call

to the person (Col 3 lines 10-28).

As per **claim 28,** since the device uses the user entered 'predetermined time

interval' in order to determine when the user is alerted, the system inherently stores the

predetermined time interval for the purpose of calculating the alert time. Applicant

claims the element of 'storing the amount of time that has elapsed since the last

communication time'. In view of the applicant's specification, the amount of time that is

defined by a 'predetermined time interval' and an absolute 'time of day' that last

communication occurred. Applicant's specification does not specifically state that an

elapsed time value is stored, only that an elapsed time is determined relative to an

absolute 'last communication' time of day (applicant's specification page 11 lines 14-25).

Examiner reads the claim element as referring to the absolute 'current time' clock in

applicant's system that is compared to the absolute 'last communication time' as 'storing'

the elapsed time. The system of Nazanin performs the same function of comparing an

entered period of time to the absolute time of day (as per the claim 1 rejection) and as

such, the elapsed time is 'stored' in the same manner as disclosed in applicant'

specification.

As per **claims 29,30,** Nazanin discloses a device as per the rejections of claim 1.

His device is able to store a plurality of persons into memory. Nazanin's function as per

the claim 28 rejection may be performed on any person from the plurality of persons.

Additionally, any of said persons may be assigned the same 'predetermined time interval'

such as by the default time interval or by the user keypad (Col 2 lines 5-34).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

5.   **Claims 8-10,16,19,26** rejected under 35 U.S.C. 103(a) as being unpatentable over

Nazanin et al. (5625683), and further in view of Smith (5822400).

As per **claim 8,** Nazanin discloses a device as per the rejections of claim 1. His

device is able to store a plurality of persons into memory. However, Nazanin does not

mention dividing the plurality of persons into a plurality of groups and then determining the before-alert time interval for each group.

Smith (5822400) teaches that many businesses and customer service organizations utilize telephone systems that include the ability to process a large number of customer records by grouping them together into campaigns (Col 1, lines 11-36). It would have been obvious to one of ordinary skill in the art at the time of this application to divide the plurality of people into a plurality of groups and then determine the before-alert time interval for each group because this would gives the system the advantage of being able to process the grouped users in a batch and enter account records (such as the before-alert time interval) much more efficiently.

As per **claim 19,** Nazanin in view of Smith discloses a device having an alert function that performs the functions described in the rejection of claim 8.

As per **claims 26,** claims rejected for same reasons as rejection of claim 19.

As per **claim 9,** claim rejected for same reasons as the rejection of claim 4.

As per **claim 10,** claim rejected for same reasons as the rejection of claim 5.

As per **claim 16,** claim rejected for same reasons as the rejection of claim 15.

6.   Claims **11,13,14,17,20,23,24,27** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Nazanin et al. (5625683), and further in view of Groff (4405839).

As per **claim 11,** Nazanin discloses a device as per the rejections of claim 1.

However, Nazanin does not mention storing an alert-inhibition time period in which alert

is inhibited.

Groff teaches that a telephone subscriber desires to selectively silence the ringer

of his telephone when he doesn't want to be disturbed. Based on this information, it

would have been obvious to one of ordinary skill in the art at the time of this application

to implement an alert inhibition controller so that it could silence the ringing without

having to unplug the telephone (and risk forgetting to plug the phone back in) (Col 1,

lines 11-43).

As per **claim 20,** Nazanin in view of Goff discloses a device having an alert

function that performs the functions described in the rejection of claim 11.

As per **claims 23,24,** claims rejected for same reasons as rejection of claim 11.

As per **claims 27,** claims rejected for same reasons as rejection of claim 20.

As per **claim 13,** claim rejected for the same reasons as the rejection of claim 7.

As per **claim 14,** Groth additionally mentions that the alert-inhibition system may

optionally inhibit only audio alerts in the telephone (Col 1 lines 50-55).

As per **claim 17,** claim rejected for same reasons as the rejection of claim 15.

Response to Arguments

7.   Applicant's arguments filed 9-29-2004 have been fully considered but they are not persuasive.

As per applicant's remarks regarding the Nazanin reference, examiner contends that the Nazanin reference does disclose the steps as described in the claim language of claim 1. The Nazanin reference does disclose a call reminder system that is based upon the elapsed time (when the time to call is entered as a time duration Col 3 lines 60-67) since last communication. The use of the previously set time/date in relation to the current time/date is the mechanism by which the phone calculates an amount of time that has elapsed since the last communication time. Once the current time/date reaches the previously set time/date, the phone determines that the time duration has elapsed from the last communication time.   The user is given an option to update the reminder time (either as a time of day or an hour and minute format) every time communication with a called party is terminated (this is the last communication time) (Col 3 lines 19-35). Examiner further requests applicant to show (as per the specification), the exact manner in which the 'elapsed time' is compared to the predetermined time interval. It appears that the elapsed time is calculated by comparing the absolute 'current time' to the 'last communication time' (applicant's specification page 11 lines 14-25). This is the same function that is performed by the Nazanin reference when the predetermined time interval

is compared to the absolute 'last communication time' and stored as an absolute 'future time' that is compared to the absolute 'current time'. Please see the claim 28 rejection for more details.

As per applicant's remarks regarding the Nazanin reference in view of Smith, examiner contends that the two references are both directed to systems that facilitate phone calls for users. The Nazanin reference discloses the use of a predetermined before alert time period. The Smith reference discloses that user account information may be related to groups of user records (called party phone number lists) (Col 1 lines 10-55) in order to increase processing efficiency. The system in Nazanin easily implements the teachings of Smith by assigning the Default time (already disclosed in Nazanin) to a set or subset of a user's called party phone number list. The motivation provided to combine the references (an increase in processing efficiency) is a valid motivation. The Nazanin reference discloses the entering the before-alert time interval (as described above). The Smith reference teaches to divide called parties into groups in order to enter account records. The prestored DEFAULT value time duration disclosed by Nazanin could be used in view of Smith's teachings to implement groups of called partied where the account information is entered by the group.

As per applicant's arguments regarding the Nazanin reference in view of Groff, examiner contends that the Groff reference is related to a device that inhibits the ringer (alerting system) of a phone during time periods when a user does not want to be disturbed, and the Nazanin reference is related to a phone device that alerts users

As per applicant's comments regarding the Ishihara reference (remarks page 24), there is no Ishihara reference being used in the current set of rejections.

As per applicant's remarks regarding the Groff reference destroying the intended purpose of the Nazanin reference (to remind the user to call a party at a specific time or after a specific time duration when the phone is not offhook or turned off). The examiner contends that the Groff reference teaches an improvement over the Nazanin reference in that the user may specify alert inhibition time period. In Nazanin (Col 2 line 44 to Col 3 line 10) the system already contemplates a situation where the user needs to be alerted, but the phone is powered down or busy. The phone system is able to compensate for these situations without destroying the intended purpose of the phone.

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Jamal whose telephone number is 571-272-7498. The examiner can normally be reached on M-F 9AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A Kuntz can be reached on 571-272-7499. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9315 for After Final communications.

AJ
June 29, 2005

CURTIS KUNTZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600